THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23332 of 2005 (and batch)

DATED:28.10.2005

Between:

M/s.Srinivas Associates (Project Work) Ltd.

Rep. by its Director A. Prabhakar Reddy

S/o.Shankar Reddy

Bachupally Village

Qutbullapur Mandal, Ranga Reddy District

…Petitioner

And

The Principal Secretary to Government of A.P.,

Revenue Department, Secretariat Buildings,

Secretariat, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23332, 23333, 23334, 23335, 23336, 23337, 23338 and 23339 of 2005

COMMON ORDER:

In all these matters the petitioners own small extents of lands ranging from Ac.0.20 gts. to Ac.1.20 gts. comprised in S.Nos.39, 39/C, 39/D, 40, 40/A of Bachupally Village, Qutbullapur Mandal, Ranga Reddy District. All of them allege that their vendors purchased the land from original pattadars, whose title was also validated by the Government and that they have been in continuous possession of the property. The fifth respondent initiated action under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) and issued

show cause notice dt.18.8.2005 under Rule 3 of the A.P Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short, the Rules) calling upon the petitioners to show cause as to why they should not be summarily evicted for contravention of the provisions of Section 3(2) of the Act. Be it noted, the said provision prohibits the purchase of assigned lands and renders the same void. All the petitioners filed individual explanations before the fifth respondent inter alia contending that the patta granted to the vendors of the petitioners' vendors did not contain the condition of inalienability and that being landless poor persons they are entitled for the benefit under the provisions of the Act. While the matters are pending before the fifth respondent, all the petitioners made representations on 24.10.2005 to regularize their possession and as no orders are passed, present Writ Petitions are filed.

This Court has heard the learned counsel for the petitioners, Sri S.Tulasi Das, who submits that even if there is a condition of inalienability, petitioners are entitled for the benefit under Section 3(5) of the Act and they cannot be evicted by the Mandal Revenue Officer declaring the transactions void. **Per contra,** learned Assistant Government Pleader for Revenue (Assignment), Sri A.Hariprasada Reddy submits that the matters are still pending before the Mandal Revenue Officer and therefore these Writ Petitions are not maintainable.

In a given case inordinate delay on the part of the executive can itself amounts to illegality, which can be corrected by Mandamus. In a given case where a citizen approached the executive by filing application for redressal, sufficient time should be allowed to the executive and instantaneously, however serious the allegation may be, the Court cannot issue Mandamus to the executive to act expeditiously. The governmental functions are so complicated that every executive in every department has to decide priorities and go about his work as per law. In this case, the petitioners admittedly made representations on 24.10.2005 and immediately within three days thereafter, filed the Writ Petitions seeking a direction to the respondents to dispose of the representations. For this reason, this Court is not inclined to pass orders as prayed for. If the petitioners are landless poor persons, as alleged, the fifth respondent has to consider the same while dealing with the cases initiated under the Act and the Rules, in accordance with Section 3(5) of the Act.

Therefore, without expressing any opinion on the merits of the case, these Writ Petitions are disposed of directing the fifth respondent to consider the explanations submitted by the petitioners and dispose of the matters within a period of ten days from the date of receipt of a copy of this order.

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(V.V.S.RAO, J)

28.10.2005

bnr

Note:Dispatch copy of the order

by 29.10.2005.

(B.O)

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